

BILL NO. G-69-02- 29

GENERAL ORDINANCE NO. G- 48-69

AN ORDINANCE amending General Ordinance No. G-97 authorizing the vacation of a certain public utility and surface drainage easement.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following Resolution of the City Plan Commission, to-wit:

"WHEREAS, ARLINGTON INVESTMENT CORP., an Indiana corporation, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public utility and surface drainage easement in the City of Fort Wayne, Allen County, Indiana, to-wit:

A 14 foot utility and drainage easement located along the South line of the West 661.4 feet of Block 13, Interstate Industrial Park, Section "E", an Addition to the City of Fort Wayne, as recorded in the Office of the Recorder of Allen County, Indiana, in Plat Book 30 pages 104-106,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Burns' Indiana Statutes Annotated, 1964 Replacement, Section 53-744;) and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on the 27th day of January, 1969, at 7:30 o'clock P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public utility and surface drainage easement.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public utility and surface drainage easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana; and,

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public utility and surface drainage easement hereinbefore described be and the same is hereby approved; and

BE IT FURTHER RESOLVED ~~that~~ the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of public utility and surface drainage easements and other public ways in the City of Fort Wayne, Allen County, Indiana."

duly adopted on January 27, 1969 following a public hearing thereon after first giving notice thereof, all pursuant to Section 44 of Chapter 174 of the Acts of 1947 of the General Assembly of Indiana, as amended by Section 3, Chapter 385 of the acts of 1963 of the General Assembly of the State of Indiana (Section 53-744, Burns Indiana Statutes Annotated, 1964 Replacement) is hereby approved and the recommendations made by said Commission are now accepted.

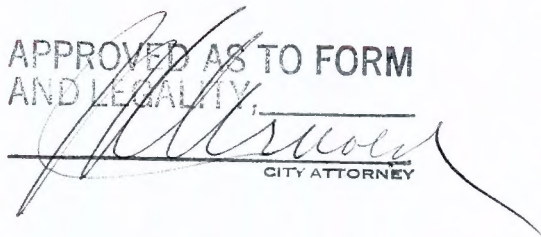
SECTION 2. Vacation of a certain public utility and surface drainage easement described in said resolution in any manner provided by law is hereby authorized and approved.

SECTION 3. Upon such vacation the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council on November 26, 1963, is hereby amended accordingly.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

A handwritten signature in dark ink, appearing to read "John J. Conner", is written over a horizontal line.

APPROVED AS TO FORM
AND LEGALITY,

A handwritten signature in dark ink is written over a horizontal line.
CITY ATTORNEY

R E S O L U T I O N

WHEREAS, ARLINGTON INVESTMENT CORP., an Indiana corporation, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public utility and surface drainage easement in the City of Fort Wayne, Allen County, Indiana, to-wit:

A 14 foot utility and drainage easement located along the South line of the West 661.4 feet of Block 13, Interstate Industrial Park, Section "E", an Addition to the City of Fort Wayne, as recorded in the Office of the Recorder of Allen County, Indiana, in Plat Book 30, pages 104-106;

all in accordance with the terms of Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Burns' Indiana Statutes Annotated, 1964 Replacement, Section 53-744; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on the 27th day of January, 1969, at 7:30 o'clock P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public utility and surface drainage easement.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public utility and surface drainage easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana; and,

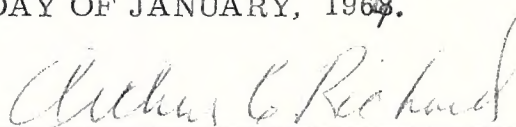
BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public utility and surface drainage easement hereinbefore described be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of public utility and surface drainage easements and other public ways in the City of Fort Wayne, Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

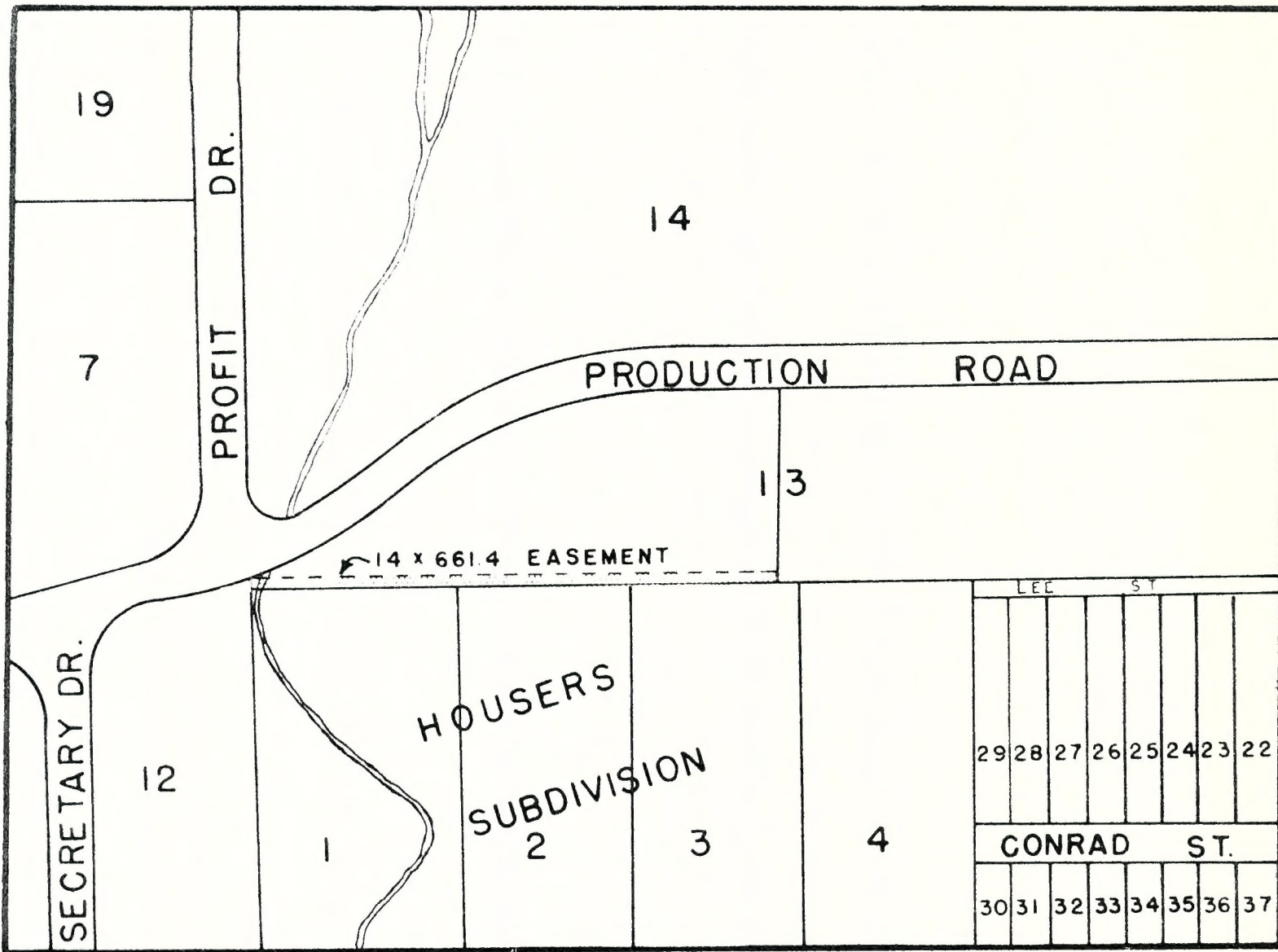
I, ARTHUR C. RICHARD, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on January 27, 1969, and as the same appears of record in the official records of said Plan Commission.

DATED THE 27TH DAY OF JANUARY, 1969.



Arthur C. Richard, President
Fort Wayne City Plan Commission

THIS INSTRUMENT PREPARED BY:
EDWARD J. MOPPERT, JR., Attorney at Law
1212 Anthony Wayne Bank Building
Fort Wayne, Indiana 46802



EASEMENT TO BE VACATED.



Bill No. G-69-02-29

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 authorizing the vacation of a certain public
utility and surface drainage easement,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

EDWIN J. ROUSSEAU, Chairman

JOHN H. ROBINSON, Vice-Chairman

THOMAS G. ADAMS

JACK K. DUNIFON

PHIL A. STEIGERWALD

John H. Robinson
Thomas G. Adams
Jack K. Dunifon
Phil A. Steigerwald

CONCURRED IN
DATE 3-11-69 FUAD G. DONAHOO, CITY CLERK

Read the first time in full and on motion by Rousseau seconded by Robinson and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____ 196____, at _____ o'clock P.M., E.S.T.

Date: 2-25-69

Frank G. Bonachoon
City Clerk

Read the third time in full and on motion by Rousseau seconded by Nuckols and duly adopted, placed on its passage.
Passed (LOST) by the following vote:

AYES	<u>9</u>	NAYS	<u>0</u>	ABSTAINED	<u> </u>	ABSENT	<u>0</u>	to-wit:
Adams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dunifon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Fay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Geake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nuckols	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Rousseau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Steigerwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tipton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Date 3-11-69

Frank G. Bonachoon
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 48-69 on the 11th day of March, 1969.

ATTEST: (SEAL)

Frank G. Bonachoon
City Clerk

Herbert H. Tipton
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1969 at the hour of 8:30 o'clock A.M., E.S.T.

Frank G. Bonachoon
City Clerk

Approved and signed by me this 12th day of March, 1969, at the hour of 10:16 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor